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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

To: The Commission

REPLY TO OPPOSITIONS TO PETITIONS FOR RECONSIDERATION

Maranatha Broadcasting Company, Inc. ("MBC"), licensee of independent UHF television station WFMZ-TV, Channel 69, Allentown, Pennsylvania, through counsel and pursuant to Section 1.429 of the Commission's rules, hereby submits this brief Reply to certain positions taken in response to the numerous petitions for reconsideration of the *Sixth Report and Order* ("Sixth Report") in the above-captioned proceeding, FCC 97-115, released April 21, 1997 (most seeking, as did MBC, changes in specific channel allotments).¹ Specifically, this Reply addresses matters raised in the "Comment On and Opposition to Petitions for Reconsideration" filed by the Association of Maximum Service Television, Inc. ("MSTV"), and the Broadcasters Caucus, and the Opposition to Petitions for Reconsideration by Viacom, Inc.

The Table of DTV Allotments is indeed, as Viacom asserts, flawed by the great disparity in power between UHF stations which will be providing DTV service on UHF channels, on the one hand, and VHF stations which will receive new DTV authorizations in the UHF band. MBC's

¹ MBC expects to supplement its Petition for Reconsideration, in light of OET Bulletin No. 69, on or before August 22, 1997, in response to the FCC's invitation.

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tentative DTV allotment on Channel 46, at Allentown, is not only authorized for much less power than competing stations in the Philadelphia market but is also subject to an egregious short-spacing to a co-channel DTV allotment at Atlantic City, New Jersey.

While Viacom has correctly identified a flaw in the DTV allotment scheme, it has proposed a solution -- redefining the level of acceptable interference to F(50,50) -- that would aggravate the consequences of this discrimination for WFMZ-TV and many other stations. MSTV describes the importance of the F(50,10) standard for viewers in suburban and rural communities, but does not address, directly, another serious drawback of the Viacom proposal. Viacom proceeds from the assumption that stations are centrally located in the markets in which they compete. That is manifestly not the case in the Philadelphia market, in which WFMZ-TV competes, and many other major metropolitan markets. Many stations in those markets are licensed to suburban communities; their transmitter sites are not centrally located, and the area between the Grade A and Grade B contour represents the largest portion of their potential audiences. Loss of reliable service within WFMZ-TV's Grade B contour could mean, for example, loss of access to off-air viewers in Philadelphia and its nearby Pennsylvania suburbs.²

The facts are that, in the early years of DTV, until the FCC squarely addresses the issue of cable carriage of DTV signals *and* cable operators upgrade their cable systems to accommodate DTV services, financial support for DTV programs will be predominantly dependent on "off-air" viewing. While the power disparity between UHF stations on the one hand, and VHF stations providing DTV programming in the UHF band on the other, is an issue that must be addressed, the FCC must not

² In its Petition for Reconsideration of the *Sixth Report and Order*, MBC noted that the F(50,10) contour of the co-channel DTV allotment to which WFMZ-TV is severely short-spaced would "severely encroach" on WFMZ-TV's protected F(50,90) service contour.

sacrifice any off-air viewing for the sake of superficial corrections of the disparity problem. Rather, the FCC should provide more opportunities for maximization of DTV facilities by less aggressive packing of the core spectrum and greater use of spectrum outside the core (e.g., Channels 60-69) in congested regions of the country.³ Neither increasing the level of acceptable interference or “intermediate maximization” as advocated by Viacom would benefit WFMZ-TV; on the contrary, either would threaten a loss of access for WFMZ-TV’s DTV program service in hundreds of thousands of households.

While Viacom’s interference and “intermediate maximization” proposals should not be adopted, the FCC should immediately, as Viacom urges, resume process modification applications that were pending as of the adoption of the *Sixth Further Notice of Proposed Rule Making* in MM Docket No. 87-268, FCC 96-207, released August 14, 1996. The continued freeze imposes a hardship on and is particularly arbitrary as it concerns WFMZ-TV, which filed an application to increase power on May 15, 1996, well before the adoption of the *Sixth Further Notice*. The freeze makes little sense as to WFMZ-TV, because of the approach of the *Sixth Report and Order* to minimize new channel assignments on Channels 60-69, which means that a grant of the proposed power will have no preclusive effect on new DTV allotments. In addition, because WFMZ-TV currently operates on Channel 69, and will continue to operate on Channel 69 throughout the

³ Maximization of DTV facilities is particularly important for stations such as WFMZ-TV, which (because of the need to protect adjacent channel land mobile operations, among other reasons) operate with significantly less than maximum power and depend on reception beyond the Grade B contour to reach many households and cable television systems. Because DTV’s propagation characteristics make reception beyond the reliable service contour much more problematic, WFMZ-TV and other similarly situated stations need to be in a position to *increase* their DTV facilities in order to assure the ability to reach the homes that now receive their NTSC service.

transition period, a grant of the modification application will have little effect on either the value or usefulness of Channel 69 for land mobile services, public or private.

For the foregoing reasons, the FCC should (1) grant MBC's Petition for Reconsideration; (2) deny proposals to allow additional interference to DTV service; (3) adopt greater flexibility with respect to the use of channels outside the "core" spectrum, to promote maximization of DTV facilities at the earliest opportunity, and (4) lift or modify the freeze on pending modification applications, to permit the processing of applications that were on file as of the date of the *Sixth Further Notice*.

Respectfully submitted,

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July 31, 1997

CERTIFICATE OF SERVICE

I hereby certify that, this 31st day of July 1997, I caused a copy of the foregoing Reply to Oppositions to Petitions for Reconsideration to be served by United States mail, postage pre-paid, on the following persons:

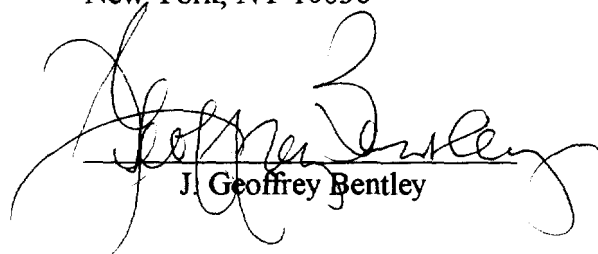
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